

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

MISTI DAWN TOLLIVER,)	
Petitioner,)	Civil Action No. 7:14cv00120
)	
v.)	<u>FINAL ORDER</u>
)	
MARK HERRING,)	By: Michael F. Urbanski
Respondent.)	United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ORDERED** and **ADJUDGED** that Tolliver's 28 U.S.C. § 2254 petition is **DISMISSED without prejudice** and this action shall be **STRICKEN** from the active docket of the court.

Further, finding that Tolliver has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is **DENIED**.

The Clerk is directed to send copies of this order and the accompanying memorandum opinion to petitioner.

Entered: March 31, 2014

/s/ Michael F. Urbanski

Michael F. Urbanski
United States District Judge